

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JESSE DEAN BALLARD,

Case No. 10-12518

Plaintiff,

SENIOR UNITED STATES DISTRICT  
JUDGE

v.

ARTHUR J. TARNOW

COMMISSIONER OF SOCIAL  
SECURITY,

UNITED STATES MAGISTRATE JUDGE  
R. STEVEN WHALEN

Defendant.

---

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION [15], GRANTING PLAINTIFF'S MOTION FOR SUMMARY  
JUDGMENT [9], DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT  
[14], AND REMANDING CASE FOR FURTHER PROCEEDINGS**

On June 24, 2011, Magistrate Judge Whalen issued a Report and Recommendation [15] that Plaintiff's Motion for Summary Judgment [9] be granted, that Defendant's Motion for Summary Judgment [14] be denied, and that the case be remanded for further proceedings pursuant to sentence four of §405(g), with instructions to consider the June 20, 1997 administrative findings pursuant to Acquiescence Ruling ("AR") 98-4.

No objections were filed.

The Court has reviewed the record in this case.

The Report and Recommendation of the Magistrate Judge is hereby **ADOPTED** and is entered as the findings and conclusions of the Court.

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Summary Judgment [9] is **GRANTED**.

**IT IS HEREBY ORDERED** that Defendant's Motion for Summary Judgment [14] is **DENIED**.

**IT IS FURTHER ORDERED** that this matter is remanded for further proceedings pursuant

to sentence four of §405(g), with instructions to consider the June 20, 1997 administrative findings pursuant to Acquiescence Ruling (“AR”) 98-4.

**SO ORDERED.**

DATED: July 18, 2011

S/ARTHUR J. TARNOW  
ARTHUR J. TARNOW  
United States Senior District Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 18, 2011, by electronic and/or ordinary mail.

s/Shawntel R. Jackson  
Case Manager